

REMARKS

Claims 1-5 and 7-16 are pending in this application. Claims 1 and 9 are independent claims. Claims 1, 2, 4-5, 7-12 and 14 are amended. Claim 6 was previously cancelled. Claims 15 and 16 are new. Reconsideration and allowance of the present application are respectfully requested.

In response to the telephonic interview conducted February 11, 2008, and the Interview Summary dated February 13, 2008, Applicant wishes to thank the Examiner for the courtesies extended during the interview. Applicant agrees with the contents of the Examiner's Interview Summary, and provides an additional brief summary of the Interview, below.

During the Interview, Applicant's representative discussed the selection of "additional sub-groups" as a way of distinguishing the claims from both the Baker and Berends references. The Examiner appeared receptive to the distinction of a selection of "additional sub-groups", although he indicated that this issue would require additional consideration and a new search. Applicant includes the new limitation of a selection of "additional sub-groups" in independent claims 1 and 9. As such, the present Amendment is being submitted concurrent with the filing of an RCE, and not as an After Final Amendment.

Rejections under 35 U.S.C. §112

Claims 1-5 and 7-14 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner rejects use of the phrase “based on master slave principles” as being vague and failing to set forth any clear patentable limitation. The Examiner has suggested replacing the phrase “the remaining slave... columns in the sub-group” with the phrase “the remaining lifting column or columns in the sub-group as a slave column or columns”¹. The Examiner asserts that a similar rejection of independent claim 9 is also made. Applicant amends independent claims 1 and 9, per the Examiner’s suggestion.

Therefore, Applicant respectfully requests that the rejections of claims 1-5 and 7-14 under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. §102 - Baker

Claims 1-5, 8-12 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,634,461 (“Baker”). This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Baker teaches all of the claim limitations. Applicant amends claim 1, to include the limitation “wherein the system is configured to allow for the selection of an additional master column or columns, and an additional slave column or columns, to form a plurality of additional sub-groups with remaining columns that were not assigned to the first sub-group”. Based on a review of Baker, along with the Examiner’s acknowledgement in the February 11, 2008 Examiner Interview that Baker does

¹ See Page 2 of the December 3, 2007 Office Action.

not appear to teach this limitation, Applicant asserts that Baker does not allow for the selection of additional master / slave columns that allow for “additional sub-groups”.

With regard to independent claim 9, Applicant amends claim 9 in a similar manner as claim 1, such that at least the same arguments can be made.

For at least the reasons stated above related to independent claims 1 and 9, Applicant believes these claims to be patentable. For at least the same reasons related to dependent claims 2-5, 8, 10-12 and 14, Applicant also believes these claims to be patentable. Therefore, Applicant respectfully requests that this rejection of claims 1-5, 8-12 and 14 under 35 U.S.C. §102 be withdrawn.

Rejections Under 35 U.S.C. § 103 – Berends in view of Baker

Claims 1-5 and 7-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,315,079 (“Berends”) in view of Baker. This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Berends teaches all of the claim limitations with the exception that Berends “does not explicitly state that the columns operate in a master/slave relationship”² and that Berends “does not, however, go so far as to disclose that a particular lifting column is designated a master lifting column as a result of being selected first as part of a subgroup”.³ The Examiner asserts that it would have been obvious for a person of ordinary skill in the art to have modified the process and apparatus of Berends to include the feature of selecting a particular lifting column as a master by virtue of its initial selection, as shown by Baker.⁴ Applicant amends claim 1 to include the limitation “wherein the

² See Page 4 of the December 3rd Office Action.

³ See Page 5 of the December 3rd Office Action.

⁴ *Id.*

system is configured to allow for the selection of an additional master column or columns, and an additional slave column or columns, to form a plurality of additional sub-groups with remaining columns that were not assigned to the first sub-group". Based on a review of both Baker and Berends, along with the Examiner's acknowledgement in the February 11, 2008 Examiner Interview that neither Baker nor Berends appear to teach this limitation, Applicant asserts that neither Baker nor Berends, either singly or in combination teach or suggest the selection of additional master / slave columns that allow for "additional sub-groups".

With regard to independent claim 9, Applicant amends claim 9 in a similar manner as claim 1, such that at least the same arguments can be made.

For at least the reasons stated above related to independent claims 1 and 9, Applicant believes these claims to be patentable. For at least the same reasons related to dependent claims 2-5, 7-8 and 10-14, Applicant also believes these claims to be patentable. Therefore, Applicant respectfully requests that this rejection of claims 1-5 and 7-14 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By



Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

CES
DJD/CES/cm